



**Contributions towards Community Infrastructure under  
Section 106 Town and Country Planning Act, 1990 in Hart District  
Quick Reference Guide**

## **Contributions towards Community Infrastructure under Section 106 Town and Country Planning Act, 1990 in Hart District – Quick Reference Guide**

### **1.0 Introduction**

- 1.1 Hart District Council, along with most planning authorities, is faced with a large number of issues relating to the provision of infrastructure of all types associated with the provision of new development.
- 1.2 Infrastructure comes in various forms, and includes:
  - Affordable Housing
  - Other communal provision designed to off-set the impacts that development has on the wider community.
- 1.3 Because of the pressure from Central Government there is a need to ensure planning applications are determined quickly and efficiently. Since a number of applications will require legal agreements it is imperative to clarify at the earliest stage what contributions may be needed for a particular development.
- 1.4 This note is designed to provide a Quick Reference for developers of the likely contributions that the Authority will be seeking associated with development. These may be financial contributions or development in kind and will need to be clarified in relation to individual applications.
- 1.5 This note does not deal with specific items of infrastructure provision that might be necessary from an individual development, such as specific highway improvements.
- 1.6 While this Quick Reference Guide is primarily aimed at housing development, **many aspects of it will equally be appropriate to non-housing development.** For example, Industrial/office development might trigger requirements for transportation improvements and public art.
- 1.7 The Government has indicated that it is likely to review the operation of Section 106 Planning Obligations and the introduction of a “Community Infrastructure Levy”, but further information and legislation is needed. This Quick Reference Guide is intended to be reviewed if and when that legislation comes in to force.

### **2.0 Background Information**

- 2.1 Section 106 of the Town and Country Planning Act, 1990 (as amended) allows a Local Planning Authority to seek contributions, either monetary or otherwise, towards the provision of community infrastructure.
- 2.2 The Hampshire County Structure Plan and the Hart District Local Plan both have facilitative policies to ensure that appropriate contributions

are made towards off-setting the impact that development has on an area. Central Government has set out its policies in Circular 05/2005: Planning Obligations.

- 2.3 This Quick Reference Guide is not designed to set out the full justification behind the reasons that the Council is seeking a contribution in a particular case. This is set out in the relevant topic Strategy, such as the Housing Strategy, North Hampshire Transport Strategy, Leisure Strategy or in the Local Plan. Details of these can be obtained separately from the Council.
- 2.4 Rather this Quick Reference Guide is easy way that those wishing to develop land can quickly ascertain the nature and scale of contributions that the Council will be seeking. In most cases this will be comprehensive, but mostly with larger developments, there will need to be negotiation as the scale of development might lead to different contributions being sought.
- 2.5 Table One sets out the contributions in overall terms along with information as to the thresholds where contributions are sought.
- 2.6 Later sections of this Quick Reference Guide set out the process that should be followed in dealing with any associated application to ensure that it meets the necessary timetabling requirements of the Authority and a blank draft Section 106 Planning Obligation is given at Appendix A<sup>1</sup>.
- 3.0 **Affordable Housing**
- 3.1 Under the terms of the Hart District Plan, including the First Alterations, the Council seeks to negotiate for an element of the Council will seek to negotiate the proportion of affordable housing on a site by site basis based on an overall guideline target that 40% of new dwellings should be affordable in individual schemes.
- 3.2 The Council will expect fully serviced land to be provided of a sufficient size to accommodate the range and types of dwelling necessary to meet the identified housing need at nil cost.
- 3.3 This requirement applies to all sites which are larger than 0.5ha or provide 15 or more dwellings, and to all sites in settlements with a population of less than 5000 which are larger than 0.2ha or would provide 5 or more dwellings.
- 3.4 These figures are “gross” and because of the need for affordable housing the Council considers it inappropriate to provide any discount for existing development on site.
- 3.5 It is likely that there will be specific requirements as the “mix” of dwelling types/sizes, ie whether flats or houses and the number of

---

<sup>1</sup> To follow

bedrooms and developers are advised to make contact with the Council's Housing Development Team over this.

#### 4.0 **Transportation**

- 4.1 The Council seeks contributions towards the North Hampshire Transport Strategy (NHTS) on behalf of the Hampshire County Council as Local Highway Authority.
- 4.2 Contributions are sought towards public transport, cycle/pedestrian initiatives such as cycleways or "shopmobility" as well as for highway improvements.
- 4.3 Under the County Council's Transport Contributions Policy the following contributions are sought towards development.

<b>C3 - Residential</b>	<b>Cost per Trip (£)</b>	<b>Household Occupancy</b>	<b>Multi-Modal Trips (per dwelling)</b>	<b>Cost per dwelling (£)</b>
1 Bed Dwelling	535	1.3	3.7	1980
2-3 Bed Dwelling	535	2.42	7.0	3745
4+ Bed Dwelling	535	3.5	10.2	5457
<b>B - Employment</b>	<b>Cost per Trip (£)</b>		<b>Multi-Modal Trips (per 100m<sup>2</sup>)</b>	<b>Cost per 100m<sup>2</sup> (£)</b>
B1 Business	230		18.7	4301
B2 General Industry	230		7.5	1725
B8 Warehouse & Distribution	230		9.4	2162

- 4.4 The residential multi-modal trip rates within the above table apply to all residential developments regardless of size.
- 4.5 The employment multi-modal trip rates within the above table only apply to those developments which do not require a TA. Where a TA is required the agreed multi-modal trip rate will be used to calculate the contribution.
- 4.6 For all other types of development, for instance leisure, retail or a nursing home, the multi-modal trip rate will be determined by the TA or Transport Statement submitted with the planning application and the cost per trip used for the employment uses will be applied.
- 4.7 In seeking a contribution, the Local Highway Authority "discounts" the impact of the existing development on site unless the site has been dormant for 5 or more years. In other words, the contribution sought is based on the "net" increase in development on a site.

## 5.0 Leisure and Open Space Strategy

- 5.1 Under the policies of the Local Plan contributions towards leisure improvement are sought from developments of 5 dwelling or above. However, since this was adopted the Council has adopted a Leisure Strategy which seeks contributions from developments of 1 dwelling and above. Between 1 and 19 dwellings this will normally in the form of a monetary contribution; for 20 or more dwellings the Council will normally expect this to be on site.
- 5.2 Contributions are based on the National Playing Fields Standard of 2.4ha per 1000 population, based on an “average” population of 2.72 persons per dwelling.
- 5.3 Details of the requirements for larger sites are set out in the Local Plan but will normally include 1.6 - 1.8 ha of outdoor sport areas and 0.6 - 0.8 ha of children's playing space. The Council will normally expect the legal agreement to transfer the open space to the Council together with a commuted sum for their continued maintenance. There will be occasions when it is not practical to provide a playing pitch, for example, on a particular site and in these circumstances the Council will expect a contribution towards the playing fields, but provision of the children's play equipment on site.
- 5.4 Where a developer is intending to offer land for adoption to the Council then it will be necessary to clarify the commuted sum prior to the completion of the legal agreement. It is strongly suggested that contact is made with the Council's Parks and Open Spaces section before an application is submitted, as experience shows that it is often impractical to agree the quantum of this sum with the timeframes available for determination of an application (see section 11.0 below).
- 5.5 The contribution is calculated as follows based on the number of Developer Units (DU) = Number of persons arising from the development based on the 2007 average figure of 2.72 persons per dwelling. For ease of calculation the following has been agreed.
- 1 bed dwelling = 2.0 persons
  - 2 bed dwelling = 3.0 persons
  - 3 bed dwelling = 4.0 persons
  - 4 bed dwelling = 5.0 persons

Impact Multiplier (IM) = 3.9 ha of space per 1000 residents  
(39m<sup>2</sup>/resident)

Cost Multiplier (CM) = £2352/resident (this is the total estimated capital programme £6.4M, divided by estimated increased occupants of new development of 5440 over ten years, multiplied by 2 to account for lack of on-site provision and pressure on existing facilities) subject to annual revision to take account of changes in the economic and developer environment.

Therefore On-site provision = DU x IM  
Off site provision = DU x CM

5.6 These contributions are all based on the net increase in development on a site.

5.7 It should be emphasised that these contributions do not relate to any potential impacts on the Thames Basin Heath Special Protection Area (see section 10.0).

## 6.0 Education Provision

6.1 Hampshire County Council seeks contributions towards education provision where there are deficiencies in provision in a particular area where a development could have an impact on a particular locality. The County Council has a threshold of 10 dwellings (gross) before it considers that there may be an impact (cumulative applications on a particular site may result in this threshold being reached in any particular case).

6.2 Contributions are sought to both primary and secondary education provision, and applicants are requested to contact Children's Services at the County Council to see whether there is a particular shortfall in provision in the locality of a site.

6.3 Where there is a shortfall contributions are sought as follows:

	Amount per dwelling
Primary Schools	£4,488
Secondary Schools	£4,593

6.4 Where a new primary school is needed then Hampshire County Council seeks a rate of £5,622 per dwelling rather than the figure given above.

6.5 In addition, for developments over 1,000 dwellings contributions may be required for special educational needs, which will be determined by an assessment of individual circumstances. Hampshire County Council has published guideline figures of £74 per dwelling for primary provision and £138 per dwelling for secondary provision.

## 7.0 Basingstoke Canal

7.1 Development in relative proximity to the Basingstoke Canal is likely to have an impact on the canal since those living in close proximity are likely to use it for their recreation. This can have a significant impact on the overall environs of the Canal and the need to ensure that it is a safe amenity for the wider population.

7.2 In general terms evidence shows that people are generally willing to walk approximately 400m rather than taking a car to undertake their recreation.

7.3 With this in mind the Council considers that where a site lies either within the Basingstoke Canal Conservation Area, or within 400m of the towpath that these impacts should be taken into account in seeking contributions.

7.4 A sum of £500 per dwelling is considered appropriate and this is based on the net development on a site.

## 8.0 **Public Art**

8.1 Where a development has an impact on the public realm it is important that the design of a proposal enhances the overall character of the area. For most schemes this can be dealt with through the overall design process. However, when the public will use a scheme then as part of the design process the Council considers that a contribution should be made to the provision of public art.

8.2 For the largest schemes, ie over 100 dwellings or 10,000m<sup>2</sup> of commercial floorspace this provision will need to be on site, and this should be secured through a Section 106 Planning Obligation. For middle sized schemes a commuted sum would be more appropriate where the public art can be provided communally. For whatever size scheme the value of the public art should be in the sum of £250 per dwelling or per 100m<sup>2</sup> of commercial floorspace. It is considered that there should be a minimum threshold of 10 dwellings or 1000m<sup>2</sup> of commercial floorspace, with these thresholds being based on a net increase on site. Where a mixed scheme is proposed, the threshold will be a pro-rata of the above two amounts of development.

## 9.0 **Shopmobility**

9.1 The Council is seeking to enhance the vitality and viability of the Fleet Town Centre by ensuring that it is accessible to all users. It, in conjunction with Hampshire County Council, has recent undertaken improvements to Fleet Road to make it a more attractive shopping environment and accessible to those with mobility issues.

9.2 As the next phase of this programme the Council is seeking to provide a shopmobility scheme, including appropriate motorised scooters, which can be hired by those with mobility issues.

9.3 In order to provide this funding, it is considered that new residential development in the Fleet and Church Crookham settlements, ie for those most likely to use Fleet Town Centre for this retail experience, should provide a contribution of £250 per net dwelling, based on a minimum development of 10 dwellings; as this is likely to provide a need for such a scheme.

## 10.0 Thames Basin Heaths Special Protection Area (SPA)

10.1 At the time of preparation of this note, the Council is not seeking contributions towards mitigation open-space to avoid development having any impact on the SPA, as no land has been identified or schemes of improvement agreed. This situation may change and in that event this Guide will be reviewed.

## 11.0 Section 106 Mechanics

11.1 Because of the need to ensure that applications are dealt with in line with statutory timetables, it is imperative that legal agreements are submitted with appropriate supporting documentation.

11.2 Although this should have been highlighted as part of the pre-application process, where the Council's policies would seek a contribution the Council will advise applicants within 14 days of registration that this is necessary and provide information as to the appropriate sums. A draft Planning Obligation will also be sent out. This may in the form of a Unilateral Undertaking which will need to be completed prior to the determination of the application. A fee will be charged by the Council for the preparation, administration and monitoring process involved with Planning Obligations.

11.3 Without such a Planning Obligation the application is likely to be considered unacceptable. Because of the need to determine applications within the relevant statutory period, it is imperative that the completed Planning Obligation is received by the Council is good time for the application to be determined. The letter advising of the need for the Planning Obligation will set out the necessary timetable, but in essence it will be necessary to ensure that the Planning Obligation is returned to the Council within 7/12 weeks of the validation date (depending on whether the application is a "minor", "other" or "major") or the date of the Committee meeting. **If the completed Planning Obligation is not returned within this timeframe the application is likely to be refused.**

11.4 On 1 August 2006 the Department for Communities and Local Government published a draft Section 106 Planning Obligation<sup>2</sup>. The Council had hoped to publish a draft Section 106 Planning Obligation to go with this document, but is reviewing its documentation to ensure that it complies with this guidance and publish a more completed "blank" Section 106 Planning Obligation shortly. If applicants wish to submit a completed agreement with the application in the interim then it is suggested that they contact Legal Services within the Council. Experience shows that there can sometimes be difficulties in getting mortgage companies to complete legal agreements quickly; it may prove necessary to have their element dealt with prior to submitting the

---

<sup>2</sup> This can be found at [www.communities.gov.uk/index.asp?id=1500832](http://www.communities.gov.uk/index.asp?id=1500832)

application. This is when pre-application discussions can clarify those elements.

- 11.5 In addition to legal agreement an applicant should submit a copy of the necessary title to the land along with confirmation from a solicitor that this remains up to date. The Council has to check this information and there is an administrative fee which also needs to be submitted.
- 11.6 Where an applicant uses the standard Planning Obligation then there will be no additional legal fee associated confirming that the legal agreement meets the Council's requirements. If, however, an applicant wishes to amend the standard documentation then any Council legal work associated with this will incur a fee.
- 11.7 Details of the fees involved can be obtained from the Shared Legal Service between Hart District Council and Basingstoke and Deane Borough Council.
- 11.8 Applicants are reminded that there is still a need to ensure that the completed within the timetable set out in paragraph 11.3. Following the introduction of the 1APP planning application and National and Local Requirements, where required, it is normally necessary to ensure that a draft legal agreement, or at least the heads of terms, is provided before the Council is able to register the application. Details of the National and Local Requirements can be found at [www.hart.gov.uk/index/environment-and-planning/planning/planning-1app\\_checklist.htm](http://www.hart.gov.uk/index/environment-and-planning/planning/planning-1app_checklist.htm).

## 12.0 Table One

Topic	Amount	Threshold	Net/Gross
Affordable Housing	40%	5 dwellings or 0.2ha in settlements with a population of <5000 and 15 dwellings or 0.5ha elsewhere	Gross
Transportation <sup>3</sup>	£1980/1-bed dwelling	1 dwelling	Net
	£3745/2 or 3-bed dwelling	1 dwelling	Net
	£5457/4-bed or larger dwelling	1 dwelling	Net
	£4301/100m <sup>2</sup> B1 development	All development	Net
	£1725/100m <sup>2</sup> B2 development	All development	Net
	£2162/100m <sup>2</sup> B8 development	All development	Net
	£535/trip based on Transport Assessment for other development	All development	Net
Open Space	78m <sup>2</sup> /1-bed dwelling	1 dwelling Where provided on site <sup>4</sup>	Net
	117m <sup>2</sup> /2-bed dwelling	1 dwelling Where provided on site	Net
	156m <sup>2</sup> /3-bed dwelling	1 dwelling Where provided on site	Net
	195m <sup>2</sup> /4-bed or larger dwelling	1 dwelling Where provided on site	Net
Open Space	£4704/1-bed dwelling	1 dwelling Where not provided on site	Net
	£7056/2-bed dwelling	1 dwelling Where not provided on site	Net

<sup>3</sup> These contributions are net unless the site has been dormant for 5 years or more when the gross figure will be taken

<sup>4</sup> Normally for 20 or more dwellings

<b>Topic</b>	<b>Amount</b>	<b>Threshold</b>	<b>Net/Gross</b>
	£9408/3-bed dwelling	1 dwelling Where not provided on site	Net
	£11,760/4-bed or larger dwelling	1 dwelling Where not provided on site	Net
Indoor recreation	£1,000/1-bed dwelling rising by increments of £500 per habitable room up to a maximum of 5 bedrooms	5 dwellings or more	Net
Education <sup>5</sup> - Primary Schools	£5,622/dwelling	10 dwellings	Gross
Education - Secondary Schools	£4,488/dwelling	10 dwellings	Gross
Basingstoke Canal	£500/dwelling	Within Basingstoke Canal Conservation Area or 400m of Canal towpath	Net
Public Art	£250/dwelling	10 dwellings (<100 dwellings to be provided on site)	Net
	£250/100m <sup>2</sup> commercial floorspace	1000m <sup>2</sup> (<10,000m <sup>2</sup> to be provided on site)	Net
Shopmobility	£250/dwelling	10 dwellings	Net

<sup>5</sup> Note: Different figures apply for new primary schools, and for development over 1,000 dwellings where contributions are sought for special educational needs.

**DRAFT LEGAL AGREEMENT**

**This will be published shortly see paragraph 11.4.**